



FEB 10 1989

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405



335269

Ref: 8RC

SPECIAL NOTICE LETTER FOR
RI/FS, URGENT LEGAL MATTER
PROMPT REPLY NECESSARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ASARCO, Inc.
28 West State Street
Trenton, NJ 08608

57 FILE

S-6.06

Registered Agent:
C.T. Corporation System
136 South Main Street
Salt Lake City, UT 84101

Re: Richardson Flat Tailings
Site, Summit County, Utah

Dear Sir or Madam:

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency (EPA) has expended and is considering further expenditures of public funds to undertake an investigation and control of the release or threatened release of hazardous substances, pollutants, or contaminants at the Richardson Flat Tailings Site. This action is taken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986. Pub. L. No. 99-499 (SARA).

This letter serves two basic functions. First, this letter notifies you that a 60-day period of formal negotiations with the EPA and the Utah Department of Health (UDH) automatically begins with this letter. Second, this letter provides general and site-specific information to assist you in these negotiations.

EPA has information indicating that you may be a PRP as defined in section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a), as amended, with respect to this site. With this letter, EPA encourages you to voluntarily negotiate a Consent Order in which you and other PRPs agree to perform or finance the response activities identified below.

In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the site. These response actions include field sampling and review of data and documents pertinent to the site. In accordance with section 107(a) of CERCLA, you are hereby notified that you may be liable for these past response costs plus all future response costs as well as any and all interest recoverable under section 107 or under any other provisions of law. You are also hereby notified that EPA anticipates expending additional funds for the Remedial Investigation and Feasibility Study (RI/FS). Whether EPA funds the entire RI/FS or simply incurs costs by overseeing the parties conducting these cleanup activities, you are potentially liable for these expenditures.

SPECIAL NOTICE AND NEGOTIATIONS MORATORIUM RI/FS

EPA has determined that use of the section 122(e) special notice procedures will facilitate a settlement between EPA and PRPs. This letter triggers a 60-day moratorium on certain EPA response activities at the site. During this 60-day period, the PRPs, including you, are invited to participate in formal negotiations with EPA and UDH. You are also encouraged to voluntarily negotiate a settlement providing for the PRPs, including yourself, to conduct or finance the response activities required at the site. The 60-day negotiation period ends on April 10, 1989. The 60-day negotiation moratorium will be extended for an additional 30 days if PRPs provide EPA with a good faith offer to conduct or finance the RI/FS. Should a 90-day negotiation moratorium take place, negotiations will conclude on May 10, 1989. If settlement is reached between EPA and the PRPs within the 90-day negotiation moratorium, the settlement will be embodied into an RI/FS Consent Order.

FUTURE RESPONSE ACTIONS

EPA plans to conduct the following response activities at the site:

A Remedial Investigation/Feasibility Study to determine the nature and extent of contamination at the site and to develop and evaluate appropriate remedial alternatives.

GOOD FAITH OFFER RI/FS

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1. A statement of willingness by the PRPs to conduct or finance the RI/FS which is consistent with UDH's Scope of Work and Draft Administrative Order (which will be entered into between the parties if the PRPs elect to and are found capable of conducting the RI/FS) and provides a sufficient basis for further negotiations (both will be forwarded to you within 14 days of date of this letter).
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Pursuant to CERCLA section 113(k), EPA will establish an Administrative Record file that will contain documents that form the basis for EPA's decision on the selection of a response action for the site. This Administrative Record will be open to the public for inspection and comment.

PRP RESPONSE AND EPA CONTACT PERSON

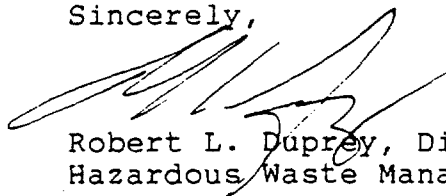
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Your response to this notice letter should be sent to:

Gene Taylor, 8HWM-SR
Remedial Project Manager
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2405

If you or your attorney have any questions pertaining to this matter, please direct them to Sandra R. Moreno, Esq., at (303) 294-7587. Any technical questions should be directed to Gene Taylor at (303) 293-1640.

Sincerely,



Robert L. Duprey, Director
Hazardous Waste Management Division

Attachment

cc: Bill Geise, 8HWM-SR
Sharon Metcalf, 8RC
Sandra R. Moreno, 8RC
Gene Taylor, 8HWM-SR
Brent Bradford, UDH
Laura Lockwood, UDH
Kent Grey, UDH
Robert F. Stewart, USDI

RICHARDSON FLAT TAILINGS SITE
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Attn: E.L. Osika, Jr.
309 Kearns Building
Salt Lake City, UT 84101

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1209 Orange Street
Wilmington, DE 19801

Registered Agent:
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Trenton, NJ 08608

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4. ARCO
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Los Angeles, CA 90071

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ARCO
515 South Flower Street
Los Angeles, CA 90071

Registered Agent:
C.T. Corporation System
136 South Main Street, #608
Salt Lake City, UT 84101

Re: Richardson Flat Tailings
Site, Summit County, Utah

Dear Sir or Madam:

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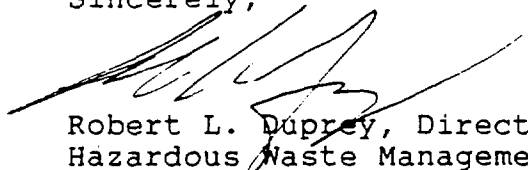
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Robert L. Duprey, Director
Hazardous Waste Management Division

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Sandra R. Moreno, 8RC
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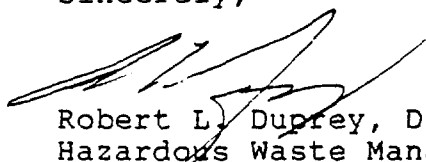
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Attn: E.L. Osika, Jr.
309 Kearns Building
Salt Lake City, Utah 84101

Registered Agent:
Steven A. Goodsell
406 West First Street
Salt Lake City, Utah 84101

Re: Richardson Flat Tailings
Site, Summit County, Utah

Dear Mr. Osika:

NOTICE OF POTENTIAL LIABILITY

This letter follows notice letters that have been issued to you in connection with the above-referenced site. As the listed contact person for the potentially responsible party (PRP) identified above, this letter has been sent to your attention.

This letter serves two basic functions. First, this letter notifies you that a 60-day period of formal negotiations with the U.S. Environmental Protection Agency (EPA) and the Utah Department of Health (UDH) automatically begins with this letter. Second, this letter provides general and site-specific information to assist you in these negotiations.

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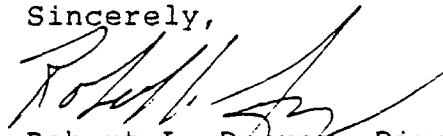
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Gene Taylor, 8HWM-SR
Brent Bradford, UDH
Laura Lockwood, UDH
Robert F. Stewart, USDI
Kent Grey, UDH

RICHARDSON FLAT TAILINGS SITE
LIST OF POTENTIALLY RESPONSIBLE PARTIES (PRPs)

1. United Park City Mines
Attn: E.L. Osika, Jr.
309 Kearns Building
Salt Lake City, UT 84101

Registered Agent:
Steven A. Goodsell
406 West First Street
Salt Lake City, UT 84101
2. NORANDA, INC.
1209 Orange Street
Wilmington, DE 19801

Registered Agent:
C.T. Corporation System
170 South Main, Suite 1500
Salt Lake City, UT 84101
3. ASARCO, Inc.
28 West State Street
Trenton, NJ 08608

Registered Agent:
C.T. Corporation System
136 South Main Street
Salt Lake City, UT 84101
4. ARCO
515 South Flower Street
Los Angeles, CA 90071

Registered Agent:
C.T. Corporation System
136 South Main Street, #608
Salt Lake City, UT 84101